



Citizen Police Advisory Review Board Minutes

The Citizen's Police Advisory Review Board (CPARB) met on Tuesday, January 19, 2010 at 5:30 p.m. at the Westside Police Service Center, Rillito Room, 1310 West Miracle Mile, Tucson, Arizona.

1. Call to Order/Roll Call

Members Present:

Susan Thornton, Chair
Stephen Nekolek
Suzanne Elefante
Jennifer Lopez
Cynthia Schiesel
Joaquin Murrieta, Vice Chair

Representing:

Mayor
Ward 1
Ward 2 (arrived at 5:37 p.m.)
Ward 3
Ward 4
Ward 5

Advisory Members Present:

Karen Brandel
Barbara Richards (arrived at 5:35 p.m.)
Lori Mattocks (arrived at 5:37 p.m.)

Advisory Members Absent:

Bennett Bernal

Ex-Officio Non-Voting Members Present:

Assistant Police Chief Brett Klein, Tucson Police Department
Sergeant Sharon Callan, Tucson Police Department
Lieutenant Rick Hovden, Tucson Police Department
Liana Perez, Independent Police Auditor
Robert Barton, Office of the Independent Police Auditor (arrived at 6:05 p.m.)
Baird Greene, Principal Assistant City Attorney, City Attorney's Office

Ex-Officio Non-Voting Members Absent:

Officer Cindy Mechtel, Tucson Police Department
Sergeant Matt Ronstadt, Tucson Police Department

Others Present:

Ana Smith, Secretary, City Clerk's Office

2. Approval of Minutes from Meeting of December 15, 2009

Motion by Cynthia Schiesel, duly seconded, and carried by a voice vote of 5 to 0, (Suzanne Elefante and Lori Mattocks absent) to approve the minutes of December 15, 2009, with following corrections:

Page 2, Item #4 – Baird Green, City Attorney’s Office, stated he wanted it noted, for the record, that he was not entirely sure what he said and what was typed regarding the use of lights and sirens was correct. To ensure that the law was not misstated, he said he would provide a copy of A.R.S. §28-624 to the City Clerk’s Office to accurately reflect how it read.

Page 4, Item#10, #2 should read:

2. Case# 09-0347

Motion by ~~Susan Thornton~~ **Cynthia Schiesel**, duly seconded, and carried by a voice vote 5 to 0, (Suzanne Elefante absent), to postpone action on Case# 09-0347.

3. First Call to the Audience

There were no speakers.

4. Review of Citizen Comments submitted to Mayor and Council in reference to TPD for December as reported January 1, 2010

Lieutenant Rick Hovden stated the letter submitted by Dan Smith was still an open case and could not comment until the case was closed.

Liana Perez, Office of the Independent Police Auditor, stated that the Mayor and Comment line in reference to TPD Review of Citizen Comments would be eliminated due to budget cuts and staffing.

(NOTE: Barbara Richards arrived at 5:35 p.m.; Lori Mattocks and Suzanne Elefante arrived 5:37 p.m.)

5. Presentations of Search and Seizures / Welfare Checks

Baird Greene, City Attorney’s Office, spoke about the Search and Seizures and Welfare Checks that pertained to the constitutional laws of the State of Arizona. He said police had to have probable cause for search and seizures and depending on the situation, as there were exceptions and different scenarios, they might have to call for a warrant. He also stated that if 911 received hang-up calls, legally, the police had to respond and if there was probable cause they had the right to do welfare checks. He also spoke about public records as to what information could and could not be redacted.

(NOTE: Bob Barton arrived at 6:05 p.m.)

6. Office of the Independent Police Auditor:

- A. Outreach Report: Report of public outreach efforts by the office of the Independent Police Auditor during the previous month.

Liana Perez, Independent Police Auditor, stated that the Board, once the case was closed, would be able to review Mr. Mike McLeroy's file.

Robert Barton, Office of the Independent Police Auditor (IPA), stated in the month of December 2009, the IPA office conducted two outreach presentations to the Post Basic class at the Academy and the Department Sergeant Training Academy.

- B. Monthly Contacts: Report on TPD-related contacts by members of the public with the office of the Independent Police Auditor during the previous month.

Robert Barton, Office of the Independent Police Auditor (IPA), stated the IPA office received three contacts and three inquires, of which three additional complaints were subsequently forwarded to Internal Affairs (IA) for review. The IPA conducted reviews of twenty-eight closed cases closed by IA, of which the findings on two were disagreed upon by him and Sergeant Callan, and were returned to IA for further review.

Mr. Barton stated that from January to December 2009, the IPA office received eighty-three inquiries, and thirty-six complaints, which were processed and sent to IA for further investigation. He said there were one hundred nineteen complaints initiated through the IPA office that were reviewed and closed during the calendar year. They reviewed and audited an additional one hundred ninety cases, initiated through IA, for a total of two hundred eighty-eight cases and complaints. This was a decrease of twenty-five percent from 2008.

7. Tucson Police Department (TPD):

- A. TPD Updates regarding events or developments relating to TPD during the prior month.

Assistant Chief Bret Cline, TPD stated Assistant Chief Allen had completed her training at the academy. He said TPD was having a retirement ceremony for three officers, Steve Goldman from Operations West, John Gain from Burglary and Ken Bailey from Communications. Their total combined years of experience was ninety-three years.

Assistant Chief Cline updated the Board on current events for the department. He said they were focusing ninety percent of their time on the new changes, budget cuts and mandates from the Mayor and Council and City Manager. He said TPD was down one hundred thirty to one hundred seventy officers due to the hiring freeze.

- B. Office of Internal Affairs/Updates regarding events or developments relating to the Office of Internal Affairs during the prior month

Lieutenant Rick Hovden stated the Office of Internal Affairs was currently working on yearly reports and that complaints by the general public were down.

8. Recess

Motion was made by Jennifer Lopez, duly seconded, and carried by a voice vote of 7 to 0, to forego recess.

9. Random Review of TPD Investigations:

- 1. Case# 09-0347

Motion was made by Cynthia Schiesel, duly seconded, and carried by a voice vote of 7 to 0, to find Case # 09-0347 to be a fair and thorough investigation.

- 2. Case# 09-0260

Motion was made by Cynthia Schiesel, duly seconded, and carried by a voice vote of 7 to 0, to find Case # 09-0260 to be a fair and thorough investigation.

- 3. Case# 09-0554

Motion was made by Joaquin Murrieta, duly seconded, and carried by a voice vote of 7 to 0, to find Case # 09-0554 to be a fair and thorough investigation.

- 4. Case# 09-0432

Motion was made by Joaquin Murrieta, duly seconded, and carried by a voice vote of 7 to 0, to find Case # 09-0432 to be a fair and thorough investigation.

10. Second Call to the Audience

There were no speakers.

11. Report from Chair / Announcements

- A. Meeting Locations

Chair Thornton announced it was suggested to her by one of the Council Members that the CPARB might want to consider having their meetings at the Ward Offices to provide better outreach to the community.

- B. Chair Thornton announced Mr. Bernal would be removed from CPARB due to lack of attendance according to CPARB Rules and Regulations.

12. Future Agenda Items

- A. Selection of Chair and Vice-Chair.

13. Adjournment – 7:00 p.m.

Motion was made by Joaquin Murrieta, duly seconded, and carried by a voice vote of 7 to 0, to adjourn.